

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**BRUNSWICK COUNTY, N.C.**

**6:00 P.M., Thursday**  
**June 9, 2016**

**Commissioner's Chambers**  
**David R. Sandifer Admin. Bldg.**  
**Brunswick County Government Center**  
**Old US 17 East, Bolivia**

MEMBERS PRESENT

Robert Williamson, Chairman  
Robert Cruse  
Mary Ann McCarthy  
Ron Medlin, Alternate  
Clayton O. Rivenbark, Alternate

MEMBERS ABSENT

Virginia Ward, Vice Chairman  
Jervie Babson

STAFF PRESENT

Helen Bunch, Zoning Administrator  
Bryan Batton, Assistant County Attorney  
Kyna Bryant-Hardy, Office Assistant

OTHERS PRESENT

Wendy Scarborough  
John Csobady  
Todd Vires  
Karen Simmons

Michael Prunty  
Tara Kelly  
Carol Petrea

I. CALL TO ORDER.

The Chairman called the meeting to order at 6:00 p.m.

II. ROLL CALL.

Mrs. Virginia Ward and Mr. Jervie Babson were absent. Mr. Ron Medlin and Mr. Clayton O. Rivenbark served as Alternates.

III. CONSIDERATION OF MINUTES OF THE MAY 12, 2016 MEETING.

Mrs. McCarthy made a motion to accept the minutes of the May 12, 2016 meeting as written. The motion was seconded by Mr. Rivenbark and unanimously carried.

IV. AGENDA AMENDMENTS.

There were none.

V. FUNCTIONS OF THE BOARD OF ADJUSTMENT.

Mr. Rivenbark explained the Board of Adjustment is a quasi-judicial Board assigned the function of acting between the Zoning Administrator or Planning Director, who administer the Unified Development Ordinance (UDO), and the courts, which would have the final say on any matter. The Board's duties are to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator or Planning Director; to grant Special Use Permits and to grant Variances.

Mr. Rivenbark said that the public hearing is not to solicit board public opinion about how the Board should vote on a matter; rather, it is a time for submittal of relevant, factual evidence in the records by the applicants, proponents, opponents and staff. All parties involved must be affirmed or sworn in as required by the North Carolina General Statutes. The opposing parties have the right to cross examine witnesses and file documents into the record.

Mr. Rivenbark stated that the Chairman will announce the case; the Zoning Administrator will submit into evidence the Staff Report; the applicant or person filing the application will present relevant evidence to the Board as it relates to the Approval Criteria outlined in Section 3.3.9.B. of the UDO; the opposition will have an opportunity to speak; and then the Zoning Administrator will provide recommended conditions based on the approval criteria and information provided during the public hearing. Once all parties have addressed the Board, all parties will have the opportunity for rebuttals and the Chairman will summarize all evidence presented. All parties will have the opportunity to comment on the summation given to the Board. Once the summary is accepted, the public hearing session will be over and the Board will discuss the matter amongst themselves and vote to grant or deny the Special Use Permit and/or Variance.

Mr. Rivenbark informed the audience that if anyone was not satisfied with the outcome of the Board's decision, they may file an appeal to Superior Court.

VI. SWEARING IN OF APPLICANT, WITNESS, AND OTHER INTERESTED PARTIES.

The Chairman swore in Ms. Helen Bunch, Ms. Wendy Scarborough, Mr. Michael Prunty, Mr. John Csobady, Mrs. Tara Kelly, Mr. Todd Vires, Mrs. Carol Petrea, and Mrs. Karen Simmons as to their testimony being truthful and relevant to the respective case.

VII. NEW BUSINESS.

- A). 16-04S Special Use Permit  
Applicant: Wendy Scarborough  
Location: 4650 Maple Hill Road SW, Shallotte NC 28470  
Tax Parcel 2130005112  
Applicant requests a Special Use Permit to locate an "Kennel" per Sections 5.2.3. and 5.3.5.U. of the Brunswick County Unified Development Ordinance (UDO).

Ms. Helen Bunch, Zoning Administrator, addressed the Board. Ms. Bunch read the Staff Report (attached). She stated that the applicant, Wendy Scarborough, requests to operate a Kennel as a home occupation on the subject parcel. She further stated that the proposed will be located on Tax Parcel 2130005112, also known as 4650 Maple Hill Road SW. She identified the subject property and surrounding properties on a map displayed on an overhead projector. She continued that the Brunswick County Future Land Use Plan designates the subject parcel as Low Density Residential. She stated the proposed use is only permissible in the NC Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment. Ms. Bunch proceeded to discuss the twelve (12) review factors (e.g., circulation; parking and loading; service entrances and areas; lighting; signs; utilities; open space; environmental protection; screening, buffering, and landscaping; effects on adjoining property; compatibility; and impacts on military installations) associated with the subject parcel. She stated that all access will occur from Maple Hill Road (SR 1207). She further stated that a revised driveway permit may be required. She continued that the applicant must notify the North Carolina Department of Transportation (NCDOT) of the proposed use and provide the Brunswick County Planning Department with documentation from NCDOT stating improvements will or will not be necessary. Ms. Bunch stated that per Section 6.12.6.A. of the Brunswick County Unified Development Ordinance (UDO), one (1) parking space per 250 square feet of enclosed area plus two (2) parking spaces for the dwelling unit are required. She stated that a total of three (3) parking spaces are required. She further stated that adequate parking space is available on site. Ms. Bunch stated that any new outdoor lighting must meet the lighting requirements stated in Section 6.9. "Outdoor Lighting" of the UDO prior to the installation. She said the applicant plans to use the existing light fixtures that were initially installed on the home. She stated that any signage must meet the requirements of Section 5.4.4.E. of the UDO prior to installation. She further stated that one (1) sign is permitted and that such sign to be no larger than 3 square feet of commercial quality and design and shall be limited to the business name and address only. She continued that signage is a separate permitting process. Ms. Bunch stated that water is provided by Brunswick County and that the home is

on a septic system for wastewater. She stated that there are no open space requirements for this use. She further stated that the applicant must meet all applicable Federal, State and Local Government requirements. Ms. Bunch stated that the parcel is surrounded by like zoning on three (3) sides. She stated that there is adjacent residential development within the Town of Shallotte's Planning Jurisdiction. She further stated that the buffer requirements for this specific use are more stringent than the typical requirements and will be addressed below. Ms. Bunch stated that the effect on adjoining property is lessened by the buffer requirements. She stated that the proposed use is permissible in the C-LD Zoning District with Special Use Permit approval by the Board of Adjustment. She further stated that the proposed use is not within five (5) miles of a military installation.

Ms. Bunch stated that there are additional approval criteria for this use outlined in Section 5.3.5.U., Kennel of the Brunswick County Unified Development Ordinance (UDO). She stated that Kennels shall be permitted in accordance with the use tables in Section 5.2., subject to the following 1). In the RR district, the use shall be permitted as a limited use subject to the standards in this Section. She said that this requirement is not applicable as the parcel is not located in the RR Zoning District. She stated that 2). A 300-foot separation shall be maintained between the outdoor areas where animals are kept and any property line of any adjacent residential use in a residential district. She said that per the applicant's May 23, 2016 response to Zoning Administrator Helen Bunch, there is more than 350' heavily wooded separation. She further stated that 3). A minimum six-foot high wall shall be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential district. She said there is no wall, but rather an 8' solid wood privacy fence and that while the property is like zoned, to the east and west there are residences. She continued that per the ordinance, a wall must be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use. Ms. Bunch stated that 4). The facility shall be constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties. She said that adequate waste disposal shall be required to maintain sanitary conditions and control odor. She stated that per the applicant's response, the animals will be in a designated area inside the home with the exception of play time, during which they will be muzzled. She continued that the waste will be picked up during every outside bathroom break and play time with the animals, throughout each day and will be disposed of properly with a Doggy Dooley Waste Disposal System. Ms. Bunch stated that 5). With the exception of kennels, all facilities shall be licensed by the Animal Health Division of the North Carolina Department of Agriculture and Consumer Services, Article 3, and all other required permits or certificates shall be acquired and maintained. She concluded that the proposed use is a kennel, therefore licensing requirements are not applicable.

Ms. Wendy Scarborough addressed the Board. Ms. Scarborough stated that they are requesting a Special Use Permit to allow a Kennel as a home occupation on the subject parcel. She stated that she is proposing to provide care to approximately six (6) Sighthounds. She further stated that Sighthounds are greyhounds that are low maintenance and do not bark a lot. She continued that the animals typically play for approximately 15 minutes then take naps. Ms. Scarborough stated that she is a certified advanced dog trainer.

She stated that they will be kept in a 12' x 13' room inside her home. She further stated that she fosters animals that have special needs and need extra care.

Mr. Michael Prunty, property owner, addressed the Board. Mr. Prunty stated that a portion of the property is fenced by a solid decking board wooden wall. He stated that it is approximately 185 feet from the rear of the fence to the adjoining property line. He further stated that he tried to locate the rear property line which is located within an existing vegetative buffer. He continued that the dogs will be kept inside of the existing Single Family Residence which is located approximately 300 feet from the rear property line.

The Chairman asked Ms. Bunch if the ordinance requires a 300-foot separation between the outdoor areas where animals are kept and any property line of any adjacent residential use in a residential district? Ms. Bunch replied yes, that there are residential uses on each side of the subject parcel however, they are zoned Neighborhood Commercial (NC). She stated that only the rear property line will be impacted as the parcel is located within the Town of Shallotte Planning and Zoning District and is zoned residential.

Mr. Prunty stated that it is approximately 350 feet from the rear of the fence to the property line.

Mr. John Csobady, a neighboring property owner, addressed the Board. Mr. Csobady stated he is concerned that the fenced area of the subject parcel is approximately 75 feet from his property (Tax Parcel 2130005115). He stated that he is concerned about the proposed Kennel and the creation of noise and/or waste disposal (i.e., smells/odor).

Ms. Scarborough readdressed the Board. Ms. Scarborough stated that she plans to utilize a Doggie Dooley system to dispose of waste. She stated that the Doggie Dooley system is a biodegradable unit to break down waste. She said that the Doggie Dooley system is similar in concept to a septic system. She further stated that the soil will be tested to determine an appropriate area for the Doggie Dooley system and to ensure proper drainage. She continued that the Doggie Dooley system cannot be located within 100 feet of drinking water. Ms. Scarborough stated that waste will be discarded as soon as possible. She stated that dog barking is a controlled behavior and that the dogs will be taught not to bark. She further stated that the dogs will not be allowed outside in the fenced area in the early mornings or late at night.

Mr. Rivenbark asked Ms. Scarborough if she currently has dogs? Ms. Scarborough stated that she has two (2) dogs. Mr. Rivenbark asked Ms. Scarborough if she has ever received a complaint about her dogs barking? Ms. Scarborough replied, no.

Mr. Prunty readdressed the Board. Mr. Prunty stated that the animals will not be caged in the outdoor area. He stated that they have a space within their home that the animals will be kept. He further stated that they have two (2) dogs and have never received any complaints regarding excessive barking. Mr. Prunty stated that the Doggie Dooley will be located approximately 400 feet from Mr. Csobady's property. He stated that the dogs will be muzzled when they are in the outdoor area for their own safety. He further stated that while

muzzling the animals does not keep them from barking, it protects them from biting other animals or harming themselves.

Ms. Scarborough stated that the reason sighthounds are commonly muzzled is because they have thin skin with very little hair and they like to nip at each other when they play. She stated that the animals are not aggressive in any manner and muzzling is a preventative measure to prevent harm to themselves and others. She further stated that muzzling is not a method to control barking it is a preventative method to prevent dogs from barking.

Mrs. Tara Kelly, adjacent property owner, addressed the Board. Mrs. Kelly stated she resides on property to the rear of the subject parcel. She stated that she currently hears the applicant's animals barking. She further stated that the fence cannot be 300 feet from the rear property line as the subject parcel is only 330 feet in depth at the shallow point. Mrs. Kelly stated that there is a creek at the rear of her property and that approximately 20 feet of the woods and marshlands are located to the rear of her property and that the vegetation is not very thick. She stated that around 5:00 to 7:00 p.m. daily she hears the applicant's animals barking. She further stated that the applicants are in violation of the noise ordinance.

The Chairman asked Ms. Bunch the property dimensions of the subject parcel? Ms. Bunch stated the front property dimension is 284.89', the left side property line dimension is 330.96', the right side property dimension is 413.80'. She stated that the Brunswick County Sheriff's Office enforces the noise ordinance for Brunswick County. The Chairman asked Ms. Bunch how can the Board verify that there will be a 300-foot separation between the outdoor areas where animals are kept and any property line of any adjacent residential use in a residential district? Ms. Bunch stated that the applicant was asked to provide the actual measurements of the subject parcel and all existing structures. She stated that the applicant provided measurements but she was not confident that they were accurate.

The Chairman asked Ms. Scarborough if they could provide an exact measurement from the fence to the rear property line? Ms. Scarborough replied, no.

Mr. Prunty readdressed the Board. He stated that he ran a tape measure from the fence to the rear property line. He further stated that many of their neighbors have animals and that the barking could be from them.

Mr. Cruse asked Ms. Scarborough if the dogs are fed inside or outside of the home? Ms. Scarborough stated that the dogs are fed inside of the home at approximately 5:00 p.m. and are not allowed outside until approximately one (1) hour after feeding. She stated that the dogs are only allowed in the outside area for a short period of time.

Mr. Todd Vires, neighboring property owner, addressed the Board. Mr. Vires stated that he resides at 4338 Rounding Run Road SW. He stated that he is concerned about the number of animals that will be allowed on the subject parcel. He further stated that he feels that the subject parcel should be surveyed by a North Carolina Licensed Land Surveyor to obtain accurate measurements. He continued that he is concerned about waste disposal. Mr. Vires

stated that he has animals and has no issue with dogs barking. He continued that he is concerned about the number of animals that will be housed in the proposed Kennel.

The Chairman asked Ms. Bunch if the County could send someone out to verify the dimensions if the applicant provided a site plan with setback dimensions? Ms. Bunch stated that the County does not have surveyors on staff. She stated that if the property corners are marked then a County Official could go out and measure the property. She further stated that a County Official measuring the property would not be as accurate as a survey provided by a North Carolina Licensed Land Surveyor.

The Chairman asked Assistant County Attorney Bryan Batton if it would be appropriate to table the meeting until the applicant can provide an as-built survey? Mr. Batton replied, yes. The Chairman asked Ms. Scarborough how long will she need to obtain a survey by a North Carolina Licensed Land Surveyor? Ms. Scarborough stated that she would like thirty (30) days to obtain a survey by a North Carolina Licensed Land Surveyor.

Ms. Bunch stated that the applicant will need to provide that information in a timely manner to allow advertisement of the case to adjacent property owners. She stated that if the applicant cannot obtain the survey by the next meeting date then the request will be re-advertised.

Mrs. McCarthy made a motion to Table Case 16-04S until the July 14, 2016 meeting. The motion was seconded by Mr. Medlin and unanimously carried. The Chairman asked Ms. Scarborough to provide the Board with an as-built survey from a North Carolina Licensed Land Surveyor showing the home with fences and setback dimensions.

- B).     16-05S            Special Use Permit  
         Applicant:     Carol Petrea  
         Location:       570 Meadow Summit Drive, Suite 23, Ocean Isle Beach NC 28469  
                              Tax Parcel 227JC023  
                              Applicant requests a Special Use Permit to locate "Warehousing and Storage" per Sections 5.2.3. of the Brunswick County Unified Development Ordinance (UDO).

Ms. Helen Bunch, Zoning Administrator, addressed the Board. Ms. Bunch read the Staff Report (attached). She stated that the applicant, Carol Petrea, requests to locate warehousing and storage for her company on the subject parcel. She further stated that the proposed will be located on Tax Parcel 227JC023, also known as 570 Meadow Summit Drive, Suite 23. She identified the subject property and surrounding properties on a map displayed on an overhead projector. She continued that the Brunswick County Future Land Use Plan designates the subject parcel as Low Density Residential. She stated the proposed use is only permissible in the C-LD Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment. Ms. Bunch proceeded to discuss the twelve (12) review factors (e.g., circulation; parking and loading; service entrances and areas; lighting; signs; utilities; open space; environmental protection; screening, buffering, and landscaping;

effects on adjoining property; compatibility; and impacts on military installations) associated with the subject parcel. She stated that all access will occur from Meadow Summit Drive. She further stated that an adequate driveway is in place. Ms. Bunch stated that per Section 6.12.6.A. of the Brunswick County Unified Development Ordinance (UDO), one (1) parking space per 5,000 square feet of warehouse space plus one (1) parking space per 300 square feet of office area is required. She stated that a total of two (2) parking spaces are required. She further stated that adequate parking space is available. She continued that all service vehicles will access the subject property from Meadow Summit Drive. Ms. Bunch stated that any new outdoor lighting must meet the lighting requirements stated in Section 6.9., "Outdoor Lighting" of the UDO prior to installation. She stated the applicant has no plans to provide additional lighting. She further stated that any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. She continued that signage is a separate permitting process. Ms. Bunch stated that water and sewer are provided by Brunswick County. She stated that there are no separate open space requirements for this use. She further stated that the applicant must meet all applicable Federal, State and Local Government requirements. Ms. Bunch stated that landscaping and buffering is maintained by the property management company. She stated that the effect on adjoining property is minimal. She further stated that the proposed use is permissible in the C-LD Zoning District with Special Use Permit approval by the Board of Adjustment. She concluded that the proposed use is not within five (5) miles of a military installation.

Mrs. Carol Petrea addressed the Board. Mrs. Petrea stated that she is requesting a Special Use Permit to allow Warehousing and Storage at the subject location. She stated that she currently has a warehouse in another location and would like to consolidate her business to the subject site. She further stated this is a commercial area with similar operations in the immediate vicinity. Mrs. Petrea stated that there will be no customers coming to the business as most of their orders are received online. She stated that there will be pickup and deliveries made to the site occasionally. She further stated that the business will be located in a low traffic area.

With no further comments, Ms. Bunch read the conditions of approval of the Special Use Permit:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
3. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

She stated that if approved, this development shall have a vested right for a period of three (3) years and a two (2) year extension may be requested by the applicant to the Brunswick County Board of Adjustment.

With no further comments, the Chairman summarized that the applicant, Carol Petrea, is requesting to operate Warehousing and Storage on the subject parcel. He stated that the proposed use is only permissible in the C-LD Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment. He further stated that the applicant testified that this is a commercial area with similar operations in the immediate vicinity. He concluded that the applicant testified that the business will be located in a low traffic area. The Chairman asked if there were any comments to the summation? There were none.

The Board discussed the worksheet and determined the following:

**Application No.** 16-05S

**Applicant:** Carol Petrea

**Property Location:** 570 Meadow Summit Drive, Suite 23, Ocean Isle Beach NC 28469

**Parcel Number:** 227JC023

**Zoning District:** Commercial Low Density (C-LD)

**Land Use Classification:** Low Density Residential

**Surrounding Zoning North:** C-LD, **South:** C-LD, **East:** C-LD, **West:** C-LD

**Proposed Use of Property:** "Warehousing and Storage"

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### **FINDINGS OF FACT**

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is ☒complete / ☐incomplete and finds:

- I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

☒ Yes

☐ No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your Findings:

No evidence or testimony was provided with regard to property values. The applicant testified that this is a commercial area with similar operations in the immediate vicinity.

II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

☒ Yes

☐ No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

Section 5.2.3. of the Brunswick County Unified Development Ordinance lists Warehousing and Storage as a permissible use in the C-LD Zoning District if approved by the Board of Adjustment through the Special Use Permit process. The application packet submitted by the applicant was reviewed by the Zoning Administrator and found to meet all requirements and conditions of the ordinance, if all the conditions outlined in the Staff Report are met. The applicant testified at the Board of Adjustment Meeting that all of the conditions required to receive the Special Use Permit are acceptable and will be met.

III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:

☒ Yes

☐ No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your findings:

No expert testimony or evidence was provided that the use will adversely affect the health and safety of the public. The applicant testified that the business will be located in a low traffic area.

IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:

☒ Yes

☐ No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

The use, Warehousing and Storage, if developed as proposed will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance.

V. DECISION:

Mr. Cruse made a motion to Grant the Special Use Permit “because the proposed use if developed as proposed and subject to the conditions imposed below:

- a. **will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,**
- b. **will be in conformance with all special requirements applicable to the use,**
- c. **will not adversely affect the health and safety of the public, and**
- d. **will adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

CONDITIONS:

- 1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
- 2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
- 3. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Mrs. McCarthy and unanimously carried.

- C). 16-06S Special Use Permit  
Applicant: Karen Simmons  
Location: 9575 Ploof Road, Leland NC 28461  
Tax Parcel 04800015  
Applicant requests a Special Use Permit to locate a “Kennel” per Sections 5.2.3. and 5.3.5.U. of the Brunswick County Unified Development Ordinance (UDO).

Ms. Helen Bunch, Zoning Administrator, addressed the Board. Ms. Bunch read the Staff Report (attached). She stated that the applicant, Karen Simmons, requests to develop a Kennel on the subject parcel. She further stated that the proposed will be located on Tax Parcel 04800015, also known as 9575 Ploof Road. She identified the subject property and surrounding properties on a map displayed on an overhead projector. She continued that the Brunswick County Future Land Use Plan designates the subject parcel as Industrial. She

stated the proposed use is only permissible in the Industrial General (IG) Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment. Ms. Bunch proceeded to discuss the twelve (12) review factors (e.g., circulation; parking and loading; service entrances and areas; lighting; signs; utilities; open space; environmental protection; screening, buffering, and landscaping; effects on adjoining property; compatibility; and impacts on military installations) associated with the subject parcel. She stated that all access will occur from Ploof Road (SR 1566). She further stated that a driveway permit will be required from the North Carolina Department of Transportation (NCDOT) prior to the issuance of any permits. Ms. Bunch stated that per Section 6.12.6.A. of the Brunswick County Unified Development Ordinance (UDO), one (1) parking space per 250 square feet of kennel space and one (1) parking space per 300 square feet of office area is required. She stated that based upon the square footage provided, a total of twenty-four (24) parking spaces are required. She further stated that twenty-four (24) parking spaces are delineated on the site plan. She continued that all service vehicles will access the subject parcel from Ploof Road (SR 1566). Ms. Bunch stated that any new outdoor lighting must meet the lighting requirements stated in Section 6.9. "Outdoor Lighting" of the UDO prior to installation. She stated that any signage must meet the requirements of Article 8, Signs of the UDO prior to installation. She said signage is a separate permitting process. She further stated that H2GO will be the provider of water and sewer. She continued that there are no open space requirements for this use. Ms. Bunch stated that the applicant must meet all applicable Federal, State and Local Government requirements. She stated that a 20' deep street buffer adjacent to Ploof Road will be necessary. She further stated that the applicant must install one (1) canopy tree or two (2) understory trees per one hundred (100) linear feet for all portions of the property fronting Ploof Road. Ms. Bunch stated that the effect on adjoining property is minimal as all adjacent parcels are zoned IG, which is the zoning of the subject parcel. She stated that the proposed use is permissible in the IG Zoning District with Special Use Permit approval by the Board of Adjustment. She further stated that the proposed use is not within five (5) miles of a military installation.

Ms. Bunch stated that there are additional approval criteria for this use outlined in Section 5.3.5.U., Kennel of the Brunswick County Unified Development Ordinance (UDO). She stated that Kennels shall be permitted in accordance with the use tables in Section 5.2., subject to the following 1). In the RR district, the use shall be permitted as a limited use subject to the standards in this Section. She said that this requirement is not applicable as the parcel is not located in the RR Zoning District. She stated that 2). A 300-foot separation shall be maintained between the outdoor areas where animals are kept and any property line of any adjacent residential use in a residential district. She said that there are no residential uses adjacent to this site. She further stated that 3). A minimum six-foot high wall shall be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential district. She said there are no residential uses adjacent to this site. Ms. Bunch stated that 4). The facility shall be constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties. She said that adequate waste disposal shall be required to maintain sanitary conditions and control odor. She stated that the applicant must provide details on adequate waste disposal and odor control. Ms. Bunch stated that 5). With the exception of kennels, all facilities shall be licensed by the Animal Health Division of the North Carolina

Department of Agriculture and Consumer Services, Article 3, and all other required permits of certificates shall be acquired and maintained. She concluded that the proposed use is a kennel, therefore licensing requirements are not applicable.

Mrs. Karen Simmons addressed the Board. Mrs. Simmons stated that she is requesting a Special Use Permit to develop a Kennel on the subject parcel. She stated that she currently owns and operates Paw Beach Pet Resort in Wilmington NC. She further stated that the proposed will be a 6,000 square foot business with approximately 40 interior suites for daycare and overnight lodging of dogs. Mrs. Simmons stated that the proposed will be in harmony with the surrounding area as it is an industrial area with business offices and outdoor storage yards. She stated that all animal waste will be bagged and removed from site. She further stated that the animals will be in a fenced area when outdoor activities occur. She continued that the animals will never be left unattended. Mrs. Simmons stated that the fenced area will be covered in artificial turf and washed down daily to control liquid waste. She stated that the artificial turf will allow liquid waste to be washed through to the sand/gravel underneath. She further stated that a wet/dry vacuum system will be used to sanitize areas.

Mrs. McCarthy asked Mrs. Simmons how will waste be removed from the subject parcel? Mrs. Simmons stated that waste will be placed in rolling trash bins provided by Waste Industries and removed from the property weekly. She stated that the rolling trash bins allow for ease of access to clean up the fenced area by bringing the trash bin to the waste. She further stated that they have found that dumpsters do not seal completely allowing smells to emit.

The Chairman asked Mrs. Simmons if there will an attendant will be at the Kennel at night? Mrs. Simmons replied no, that the hours of operation are from 7:00 a.m. to 7:00 p.m. and that there will be no attendant at night. She stated that when animals are tucked into bed at 7:00 p.m. that they usually stay sleep until the next morning. She further stated that the Kennel will be monitored via fire alarm systems.

Mrs. Simmons stated that Kennels are licensed by the North Carolina Department of Agriculture. She stated that the requirements are based upon the number of animals on site using the square footage of the building.

The Chairman asked Mrs. Simmons if the business is inspected by the North Carolina Department of Agriculture? Mrs. Simmons stated that surprise inspections occur twice a year. She stated that copies of the reports can be obtained via the North Carolina Department of Agriculture website. She further stated that the proposed use will meet the requirements of the UDO.

With no further comments, Ms. Bunch read the conditions of approval of the Special Use Permit:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
3. The applicant must receive a driveway permit from the North Carolina Department of Transportation (NCDOT) prior to the issuance of any permits.
4. The applicant must provide a letter of water and sewer acceptance from H2GO.
5. The applicant must provide an Outdoor Lighting Plan for review and approval.
6. The applicant must provide a Landscaping Plan for review and approval.
7. The applicant must provide a Storm Water Plan for review and approval by the Brunswick County Storm Water Administrator.
8. The applicant must address the building facade, consistent with the requirements outlined in Section 6.8. of the Brunswick County Unified Development Ordinance and provide the proposed building elevations to the Planning Department for review and approval.
9. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

She stated that if approved, this development shall have a vested right for a period of three (3) years and a two (2) year extension may be requested by the applicant to the Brunswick County Board of Adjustment.

With no further comments, Mr. Cruse summarized that the applicant, Karen Simmons, requests to develop a Kennel on the subject parcel. He stated that the proposed use is only permissible in the IG Zoning District with Special Use Permit approval by the Brunswick County Board of Adjustment. He further stated that based upon the submitted Staff Report the proposed use is in harmony with the area as it is an industrial area with business offices and outdoor storage yards. Mr. Cruse stated that the applicant testified that animal waste will be bagged and removed from the site. He stated that the applicant testified that the animals will be in a fenced area when outdoor activities occur. He further stated that the applicant testified that the proposed will meet all the conditions and requirements of the UDO. The Chairman asked if there were any comments to the summation? There were none.

The Board discussed the worksheet and determined the following:

**Application No.** 16-06S

**Applicant:** Karen Simmons

**Property Location:** 9575 Ploof Road, Leland NC 28451

**Parcel Number:** 04800015

**Zoning District:** Industrial General (IG)

**Land Use Classification:** Industrial

**Surrounding Zoning North:** IG, **South:** IG, **East:** IG, **West:** IG

**Proposed Use of Property:** "Kennel"

\*\*\*\*\*

**FINDINGS OF FACT**

Having heard all of the evidence and arguments presented at the hearing, the Board of Adjustment, at its regular meeting, determined that application is ☒complete /☐incomplete and finds:

- I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

☒ Yes

☐ No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your Findings:

No evidence or testimony was provided with regard to property values. This is an industrial area with business offices and outdoor storage yards. A Kennel is in harmony with the surroundings.

- II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

☒ Yes

☐ No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

Section 5.2.3. of the Brunswick County Unified Development Ordinance lists a Kennel as a permissible use in the IG Zoning District if approved by the Board of Adjustment through the Special Use Permit process. Section 5.3.5.U. of the UDO outlines the additional criteria for a "Kennel" if approved by the Board of Adjustment through the Special Use Permit process. The application packet submitted by the applicant was reviewed by the Zoning Administrator and found to meet all requirements and conditions of the ordinance, if all the conditions outlined in the Staff Report are met. The applicant testified at the Board of Adjustment Meeting that all of the conditions required to receive the Special Use Permit are acceptable and will be met.

III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:

☒ Yes

☐ No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your findings:

No expert testimony or evidence was provided that the use will adversely affect the health and safety of the public. The applicant testified that animal waste will be bagged and removed from site. The animals will be in a fenced area when outdoor activities occur.

IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:

☒ Yes

☐ No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

The use, a Kennel, if developed as proposed will adequately address the twelve (12) review factors identified in Section 3.5.9.B. of the Brunswick County Unified Development Ordinance (UDO) and the additional review criteria denoted in Section 5.3.5.U. of the Unified Development Ordinance, based upon the submitted Staff Report and requested conditions made by Staff as part of the report.

V. DECISION:

Mrs. McCarthy made a motion to Grant the Special Use Permit “because the proposed use if developed as proposed and subject to the conditions imposed below:

- a. **will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,**
- b. **will be in conformance with all special requirements applicable to the use,**
- c. **will not adversely affect the health and safety of the public, and**
- d. **will adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.”**

CONDITIONS:

1. The development of the parcel shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the special use permit application and kept on file by the Brunswick County Planning Department.
3. The applicant must receive a driveway permit from the North Carolina Department of Transportation (NCDOT) prior to the issuance of any permits.
4. The applicant must provide a letter of water and sewer acceptance from H2GO.
5. The applicant must provide an Outdoor Lighting Plan for review and approval.
6. The applicant must provide a Landscaping Plan for review and approval.
7. The applicant must provide a Storm Water Plan for review and approval by the Brunswick County Storm Water Administrator.
8. The applicant must address the building façade, consistent with the requirements outlined in Section 6.8. of the Brunswick County Unified Development Ordinance and provide the building elevations to the Planning Department for review and approval.
9. If the specified conditions addressed in this special use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by

reapplying to the Board of Adjustment for another special use permit and receiving their approval can the use be again permitted.

The motion was seconded by Mr. Cruse and unanimously carried.

VIII. STAFF REPORT.

Ms. Bunch provided the Board of Adjustment with an update on the health condition of Board Member Mr. Jervie Babson.

IX. ADJOURNMENT.

With no further business, Mr. Medlin made a motion to adjourn. The motion was seconded by the Chairman and unanimously carried.